

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. Anthony J. Scardapane
928 Grovehill Road
Arbutus, Maryland 21227

Re: Petition for Zoning Variance
CASE NUMBER: 89-545-A
NWS Grovehill Road, 235 ft. SW of c/l of Chelwynd Road
928 Grovehill Road
13th Election District - 1st Councilmanic
Petitioner(s): Anthony J. Scardapane
HEARING SCHEDULED: TUESDAY, JULY 11, 1989 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 76.27 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post until the time it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND No. 088203
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 7/14/89 ACCOUNT 89-545-000
AMOUNT \$ 76.27
RECEIVED BY Anthony J. Scardapane
FOR 7/11/89 hearing 89-545-A
B 8116*****7627* 3115
VALIDATION OR SIGNATURE OF CASHIER

will be an additional

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

May 31, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-545-A
NWS Grovehill Road, 235 ft. SW of c/l of Chelwynd Road
928 Grovehill Road
13th Election District - 1st Councilmanic
Petitioner(s): Anthony J. Scardapane
HEARING SCHEDULED: TUESDAY, JULY 11, 1989 at 11:00 a.m.

Variances to allow a rear yard setback of 3 ft. for an open carport in lieu of the required 37 1/2 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Anthony J. Scardapane
Larry Simman/Star Builders, Inc.
File

County Board of Appeals of Baltimore County
COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 400-3300 887-3180
October 9, 1989
NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-76.

CASE NO. 89-545-A ANTHONY J. SCARDAPANE
NWS Grovehill Road, 235' W of the c/l of
Chelwynd Road (928 Grovehill Road)
13th Election District
1st Councilmanic District
VAR - rear yard setbacks - carport
7/13/89 - D.Z.C.'s Order DENYING Petition.

ASSIGNED FOR: FRIDAY, MARCH 2, 1990 at 10:00 a.m.

cc: Mr. Anthony J. Scardapane Appellant

Mr. Larry Simman
Star Builders, Inc.

Joseph and Marie Rauser

People's Counsel for Baltimore County
P. David Fields

Pat Keller

J. Robert Haines

Ann M. Mastarowicz

James E. Dyer

W. Carl Richards, Jr.

Docket Clerk - Zoning

Arnold Jablon, County Attorney

LindaLee M. Kuszmaul
Legal Secretary

Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-288-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

March 6, 1990

RECEIVED
MAR 6 1990

ZONING OFFICE

RE: Anthony J. Scardapane, Petitioner
Zoning Case No. 89-545-A

Dear Chairman Hackett:

In view of your consideration to the Petitioner in granting a postponement of this case, to afford him an opportunity to pursue any rights which may exist by virtue of the Zoning Commissioner's final Order in previous Case No. 88-340-A (enclosed), I would ask that you supplement your decision as follows:

1. That the Petitioner shall provide the Board and all parties with a status report on or before April 1, 1990;
2. That the Petitioner provide all parties with a copy of any building permit application and site plan which is filed with the Dept. of Permits and Licenses;
3. That Petitioner provide all parties with a copy of any action taken by Baltimore County concerning any building permit application;
4. That status reports be submitted upon intervals of thirty (30) days, that is to say, on the 1st of each month beginning April 1, 1990; and
5. That the Petitioner be required to determine on or before June 1, 1990 whether he desires this case to proceed (in which event it will promptly be scheduled), or whether he does not so desire, in which event the Board will dismiss the appeal.

As you know, the Board's postponement followed after a long discussion, during which Petitioner expressed some inclination to proceed upon the previous case order, if feasible. This request was made without prior notice to the parties. Under the circumstances, I agree that it was reasonable for the Board to postpone the case, but I feel some strict

The Honorable
William T. Hackett, Chairman
County Board of Appeals

March 6, 1990

guidelines and notice as outlined above should be set forth to insure fairness to all parties.

I am also sending a copy of this letter to the Zoning Commissioner, in view of the unusual interrelationship between the present case and the earlier decision, and in view of the potential application for building permit and site plan evaluation by his office.

I trust that the Petitioner will be agreeable to my suggestion, but I am making this request whether or not Petitioner finds it salutary. I believe it is the reasonable thing to do.

Very truly yours,

Peter Max Zimmerman
Deputy People's Counsel

Enclosure

cc: Jeffrey S. Chernow, Esquire
Joseph Rauser
J. Robert Haines, Zoning Commissioner

PKZ:sh

LAW OFFICES
JEFFREY S. CHERNOW
EQUITABLE TOWSON BUILDING
SUITE 300
401 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
301 888-7888
FAX: 301 321-7110

April 4, 1990

The Honorable J. Robert Haines
Zoning Commissioner
Baltimore County Zoning Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Anthony J. Scardapane, Petitioner
Zoning Case No. 89-545-A

Dear Commissioner Haines:

This letter is in response to the letter to you from Peter Max Zimmerman, Esquire, dated March 28, 1990.

Despite the fact that Mr. Zimmerman is requesting my client to take certain actions which he "feels" are "reasonable" and "appropriate", I see no reason why my client should be held to any higher level of compliance than a petitioner in any other zoning case. Accordingly, I most respectfully decline to concur with Mr. Zimmerman's proposals.

My client will, of course, strictly comply with the letter and spirit of all applicable laws and regulations to which any activity taken pursuant to Case No. 88-340-A may be subject.

Thank you for your consideration in this matter.

Very truly yours,

Jeffrey S. Chernow
JSC:im

cc: Anthony J. Scardapane
Peter Max Zimmerman, Esq.

RECEIVED
APR 5 1990
ZONING OFFICE

July 28, 1989

County Board of Appeals
C/O Baltimore County Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204

RE: Case # 89-545-A
(Attached)

HAND-DELIVERED

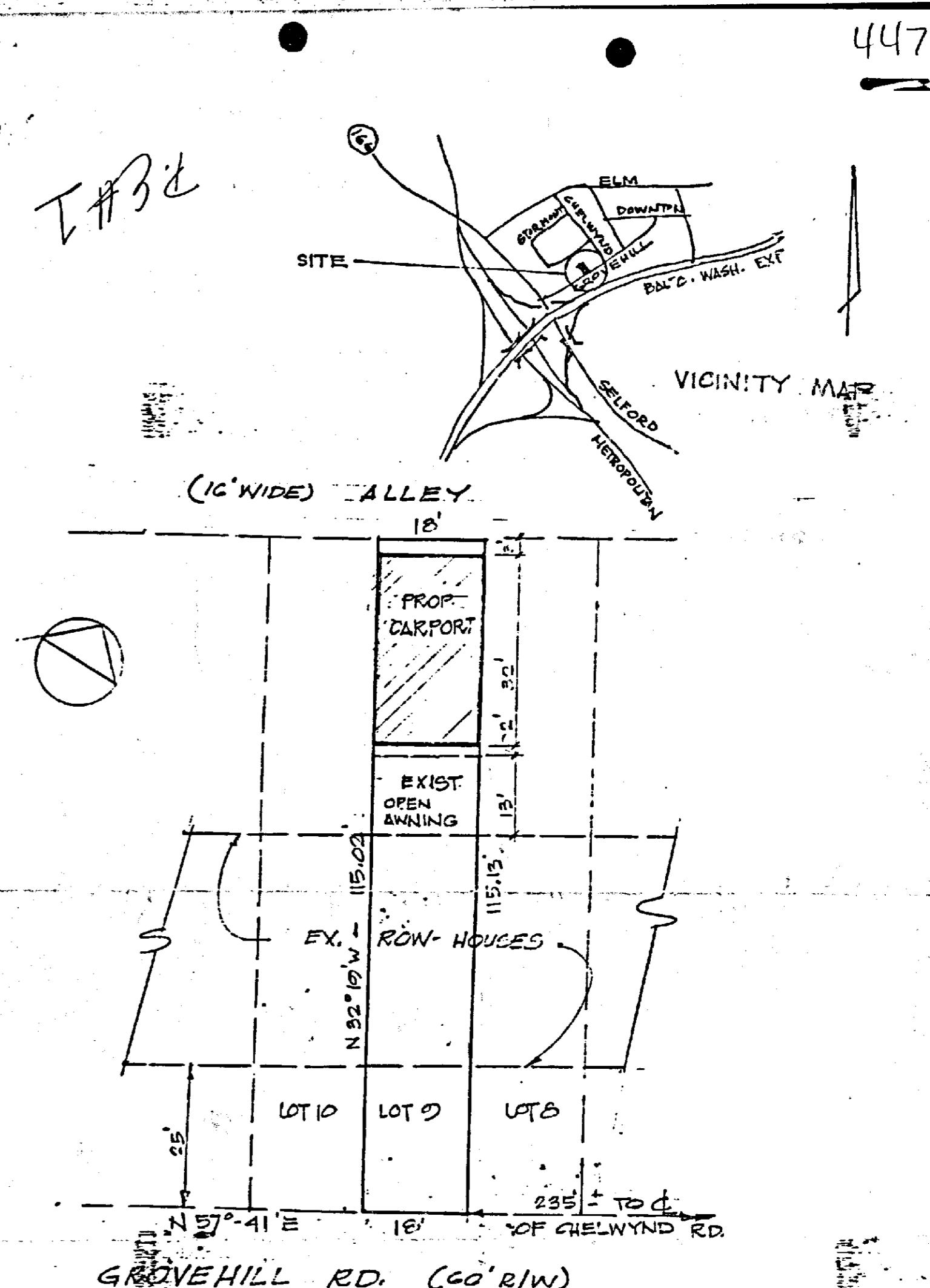
To Whom it May Concern:

I formally request an appeal to the decision rendered with regard to the above named case. Please notify me concerning dates, time and place.

Respectfully,

Anthony J. Scardapane
Anthony J. Scardapane
228 Chesapeake Rd.
Towson, MD 21204
212-5019

BALTIMORE COUNTY, MARYLAND No. 068292
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 7-21-89 ACCOUNT 89-545-000
AMOUNT \$ 3.00
RECEIVED BY ANTHONY SCARDAPANE
FOR 7/13/89 hearing 89-545-A
B 8116*****3000* 3115
VALIDATION OR SIGNATURE OF CASHIER



PLAT FOR ZONING VARIANCE:
OWNER: ANTHONY J. SCARDAPANE SR.
DISTRICT - 13 EX. ZONING - DR 10.5
HUNTSWOOD VILLAGE, SECTION 2
LOT 9, BLK. D, BOOK NO. 30, FOLIO 37
EXISTING UTILITIES IN GROVEHILL RD.
SCALE: 1" = 60' LOT LINES 3/4" = 11'

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Joseph W. Rauser
926 GROVEHILL ROAD
TOWSON, MARYLAND 21204

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Anthony J. Scardapane
928 GROVEHILL RD.
LIBERTY RD. 21207

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

89-545-A

District: 13th Date of Posting: August 21, 1989
Posted for: Anthony J. Scardapane
Petitioner: Anthony J. Scardapane
Location of property: NW/4 of Grovehill Road, 335' W of C/L of Chelwynd Rd. (928 Grovehill Rd.)
Location of Sign: On front of 928 Grovehill Road
Remarks: A.J. Rauser
Posted by: A.J. Rauser Date of return: August 28, 1989
Number of Signs: 7
reposted 10/24/89
reposted per S. Wata 11/1/90

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(801) 887-3353
J. Robert Haines
Zoning Commissioner

August 16, 1989



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
NW/4 Grovehill Road, 335' W of the C/L of Chelwynd Road
(928 Grovehill Road)
13th Election District, 1st Councilmanic District
ANTHONY J. SCARDAPANE - Petitioner
Case No. 89-545-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 2, 1989 by Anthony Scardapane, Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Anthony J. Scardapane, 928 Grovehill Road Arbutus, MD 21227

Larry Sinman, Star Builders, Inc.
8316 Liberty Road, Baltimore, Maryland 21207

Joseph and Marie Rauser, 926 Grovehill Road, Arbutus, MD 21227

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

July 28, 1989

County Board of Appeals
C/O Baltimore County Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204

RE: Case # 89-545-A
(Attached)

HAND-DELIVERED

To Whom It May Concern:

I formally request an appeal to the decision rendered with regard to the above named case. Please notify me concerning dates, time and place.

Respectfully,

Anthony J. Scardapane

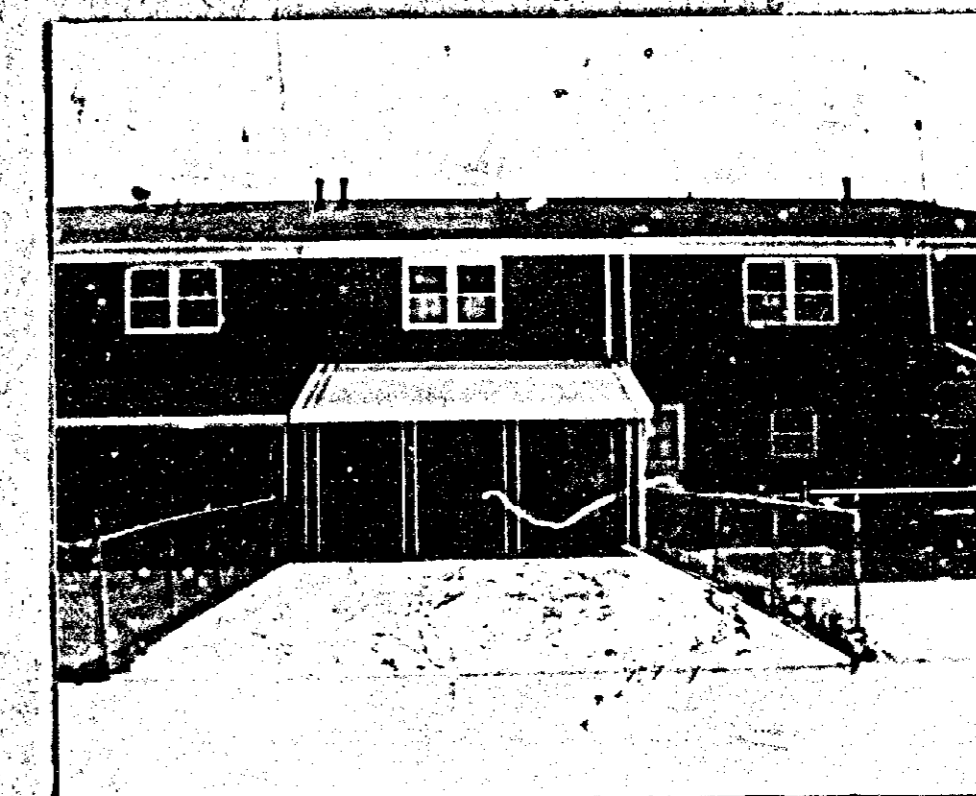
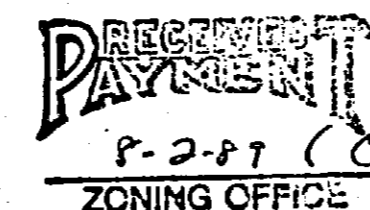
Anthony J. Scardapane

928 GROVEHILL RD

ARBUS, MD. 21227

212-5019

AJS:asw



ARBUTUS COMMUNITY ASSOCIATION INC.

TOWNHALL-1349 STEVENS AVENUE
BALTIMORE, MARYLAND 21227
FOUNDED 1928

July 6, 1989

Baltimore County Zoning Commission
Mr. Robert J. Haines

Re Case No. 89-545-A

Dear Sir:

The Arbutus Community Association feels that the petition for a zoning variance at 928 Grovehill Road in the 13th District 1st Councilmanic District by Mr. Anthony J. Scardapane should be denied by the Zoning Commission. This is a townhouse community called Huntsmoor, a well kept community with nice front and back yards.

We feel that if this man would cover nearly his entire back yard with a carport, it would downgrade the appearance of the entire neighborhood. Mr. Scardapane has already cemented his whole back yard nearly three years ago. Open space seems to be a commodity now of days, if they aren't cutting down trees, they are cementing or putting up various types of structures in well established neighborhoods. Lets keep the space between neighbors on Grovehill Road open, instead of creating an obstructed view from one neighbor to the other.

Mr. Scardapane petitioned for a carport back in February 1988, and was denied.

The Arbutus Community Association hope's this letter will have some input when you make your decision in this matter

Very Truly Yours

Raymond Parks
Zoning Chairman

Protests
#19

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
NW/4 Grovehill Rd., 335' W of C/L of Chelwynd Rd. : OF BALTIMORE COUNTY
(928 Grovehill Rd.) :
13th Election District :
1st Councilmanic District :
ANTHONY J. SCARDAPANE, : Case No. 89-545-A
Petitioner :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

I HEREBY CERTIFY that on this 30th day of August, 1989, a copy of the foregoing Entry of Appearance was mailed to Mr. Anthony J. Scardapane, 928 Grovehill Rd., Arbutus, MD 21227; Mr. and Mrs. Joseph Rauser, 926 Grovehill Rd., Arbutus, MD 21227; and Mr. Raymond Parks, Zoning Chairman, Arbutus Community Association, Inc., Townhall, 1349 Stevens Ave., Baltimore, MD 21227.

Phyllis Cole Friedman
Phyllis Cole Friedman

July 10, 1989

Mr. Robert J. Haines
Baltimore County Zoning Commission

Re: Case No. 89-545-A

Dear Sir:

My family has lived in our Huntsmoor townhouse at 926 Grovehill Road since 1966. Our home falls inside a group of 6 homes as does our next door neighbors' house at 928 Grovehill Road. Our homes are 32' long, 18' wide, with a 50 ft. long rear yard.

For the second year in the row, our next door neighbors have requested from the Baltimore County Zoning Commission zoning changes so they may build a carport in their back yard. Last March, 1988, the Zoning Commission rejected Mr. Anthony Scardapane's petition to allow construction of a carport comprising 64% of the yard area in lieu of the maximum permitted 40%, while the side yard setbacks of 0 feet in lieu of the required 2.5 ft. while permitting a 11 foot setback to the center alley in lieu of the required 15 feet. Mr. Scardapane decided not to build his carport under these conditions, and now requests a rear yard set back of 3' for an open carport (in lieu of required 37 1/2').

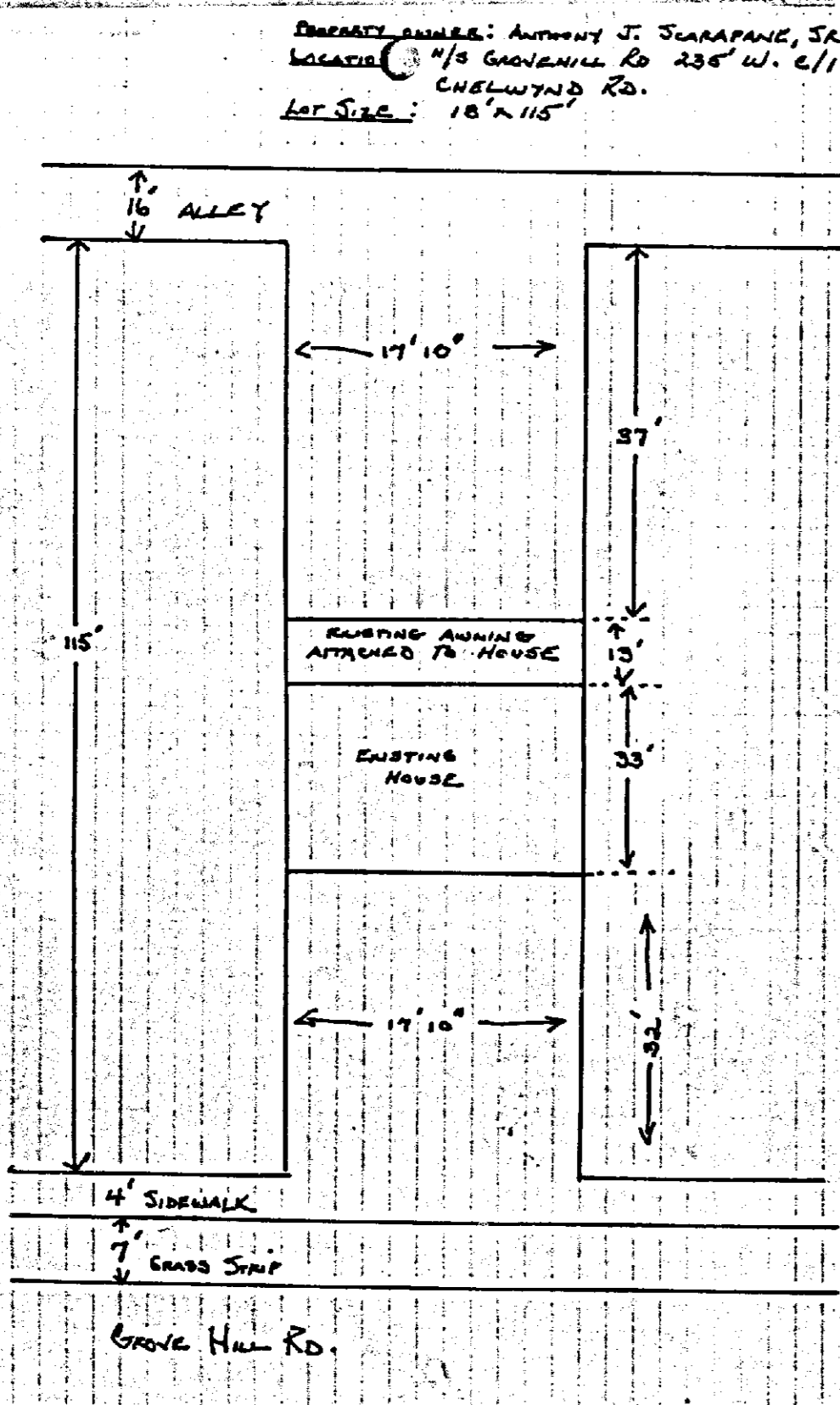
As we stated last March, we feel the construction of such a carport will be a detrimental addition to our neighborhood. We believe it will contrast greatly with the construction style of Huntsmoor, and resulting in a negative perceptual value. Living next door to such a structure will affect us adversely in several ways. Our yard subsequently decrease our property value. The large shadow cast by the structure will be the recipient of storm water runoff and snow drifts from the carport. Our sidewalk is adjacent to the fence that divides the use of our yard for summer activities, and restrict our gardening activities to the left side of our yard. In general, the carport will reduce the value of our home, and reduce the peaceful enjoyment we typically receive from it.

Therefore, we once again request that the zoning changes proposed by our neighbors be denied. Before approval is decided we request a site review be completed. If the Zoning Commission decides to approve the zoning proposal, we ask that the previous accessory structure limits (40% of maximum yard area with 2.5 ft. side setbacks) be stringently followed.

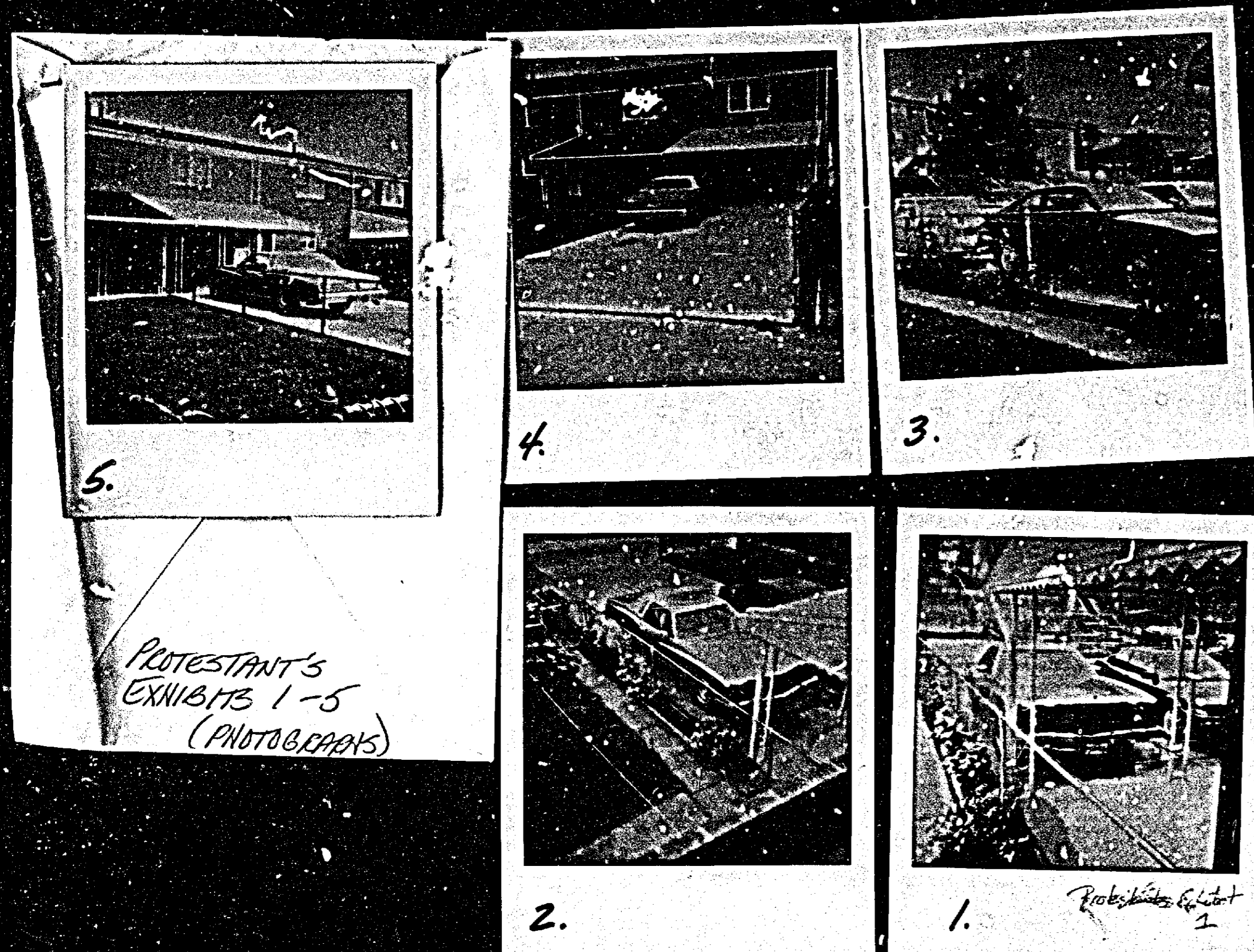
Sincerely,

Joseph W. Rauser
Marie Rauser

Protests
#19



P.E. #3



23

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

April 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, and 448.

Very truly yours,
Michael S. Planigan
Michael S. Planigan
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
APR 29 1989
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 6/29/89

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-545-A
Item No. 447

Re: Anthony J. Scardapane

The Petitioner requests a variance to allow a rear yard setback of 3 feet for an open carport in lieu of the required 37.5 feet. In reference to this request, staff offers the following comments:

The site plan shows the proposed carport to be free standing. If this is the case, the petition has been filed incorrectly; the section of the Baltimore County Zoning Regulations being variances is based on a building addition, not an accessory structure. In addition, the carport occupies more than 40% of the rear yard and has zero foot side yard setbacks. The variances to yard area coverage and side yard setbacks requested in Case No. 88-340-A were denied.

This office opposes the proposal; it constitutes overuse of the land.

A:71189.txt Pg.5

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204
(301) 887-4500

Your petition has been received and accepted for filing this 25th day of April, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
Received by: Anthony J. Scardapane
Petitioner's Attorney

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2508
(301) 887-4500

Paul H. Reincke
Chief

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Dennis F. Rasmussen
County Executive

RE: Property Owner: Anthony J. Scardapane
Location: NWS Grovehill Road, 235' SW of centerline of Chelwynd Road (#928 Grovehill Road)
Item No.: 447
Zoning Agenda: April 25, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Carport shall not exceed 15 feet in width. Three feet clear width shall be required for fire department access to rear of dwelling unit.

The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER *Capt. Wm. J. Brady* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for April 25, 1989

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for items 424, 425, 427, 428, 429, 430, 431, 432, 435, 437, 438, 440, 441, 442, 443, 444, 445, 447, and 448. Comments are attached for items 426, 434, 436, 438 and 446.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s
Encls.

MAY 1 9 1989

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 22, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Anthony J. Scardapane
928 Grove Hill Road
Arbutus, MD 21227

RE: Item No. 447, Case No. 89-545-A
Petitioner: Anthony J. Scardapane
Petition for Zoning Variance

Dear Mr. Scardapane:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures